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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/9/07

SPONSOR  M Sanchez  LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE  Municipal Elections by County Clerk  SB  360

ANALYST  Wilson

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		See Below			Recurring	Local Governments Funds

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From  
Attorney General's Office (AGO)

### SUMMARY

#### Synopsis of Bill

Senate Bill 360 requires county clerks to administer municipal elections in certain municipalities. Municipal clerks are removed from the municipal election process.

### FISCAL IMPLICATIONS

Budgets need to be adjusted so that the county clerks get additional funding for handling the municipal elections.

### SIGNIFICANT ISSUES

The bill title section states "Requiring County Clerks to Administer Municipal Elections in Certain Municipalities." It is unclear where in the bill "certain municipalities" is defined and explained.

The AGO notes that a canon of statutory construction is that the legislature cannot abolish a position or agency by implication. This bill will likely withstand this legal challenge because the municipal clerk will still maintain other duties such as keeping minutes of city council meetings pursuant to NMSA 1978, Section 3-13-1.

**ADMINISTRATIVE IMPLICATIONS**

The county clerks will have additional responsibilities and the municipal clerks will have less.

DW/mt